

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Wireless Broadband Access Task)	
Force Seeks Public Comment on)	
Issues Related to the Commission's)	GN Docket No. 04-163
Wireless Broadband Policies)	

To: The Commission

COMMENTS OF PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION

PCIA – The Wireless Infrastructure Association submits these comments in the above-referenced proceeding. PCIA is the principal trade association representing the wireless telecommunications and broadcast infrastructure industry. PCIA's members own or manage more than 55,000 communications towers and other structures that support digital and broadband wireless services across the country. PCIA strongly concurs with both President Bush's and Chairman Powell's views that, in the digital wireless age, towers and other structures are the key infrastructure supporting the wireless networks on which much of the country's economy, public safety and national security depend.

PCIA commends the Wireless Broadband Task Force for undertaking this proceeding and, especially, for inquiring as to what barriers (information infrastructure) to entry remain for ubiquitous broadband deployment.¹ PCIA's comments will focus on the infrastructure issue.²

In late March, President Bush announced a policy providing for the ubiquitous deployment of broadband wireless facilities across the nation by 2007. Chairman Powell strongly endorsed the President's policy, saying:

¹ *Wireless Broadband Task Force Seeks Public Comment on Issues Related to Commission's Broadband Policies*, Public Notice, DA 04-1266(released May 5, 2004) at 4.

² PCIA invites the Task Force to consider Reply Comments PCIA filed in ET Docket No. 03-137, a copy of which is attached. See *Reply Comments of PCIA – The Wireless Infrastructure Association, ET Docket Number 03-137, FCC 03-132, In the Matter of Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Field*, (filed Jan. 6, 2004).

The president has set out a bold vision for broadband investment and deployment over the next four years. I look forward to working with my commission colleagues, Congress and the administration to deliver on this mission for the American people. Universal and affordable access to broadband is vital to the health and future growth of our economy.³

Shortly thereafter, in an April 6, 2004 Presidential Memorandum, the President endorsed a National Telecommunications and Information Administration (“NTIA”) study noting the need for deployment of infrastructure, including access to rights-of-way and communications towers, to support broadband wireless services.⁴ The President stated:

Broadband [] has the potential to bring new services and products to American consumers and businesses, fostering innovation, investment and job-producing growth. My administration has long recognized the economic vitality that can result from broadband deployment and is working to create an environment to foster broadband deployment. All Americans should have affordable access to broadband technology by the year 2007.

A key to widespread broadband deployment is ensuring that broadband providers have timely and cost-effective access to rights-of-way so that they can build out their networks across the Nation....⁵

The President, in the Memorandum: (1) directed all federal agencies to review their existing practices to improve communications with infrastructure providers and to facilitate access to federal property for wireless communications infrastructure deployment; (2) set out demanding time frames in which federal agencies are to complete their work in this regard; and (3) directed the Office of Management and Budget, within one year of the date of the memorandum, to report on the actions taken by agencies to comply with the President’s directive.

³ *Statement of Federal Communications Commission Chairman Michael K. Powell, Federal Communications Commission New Release (March 26, 2004).*

⁴ *See The White House President George W. Bush Broadband Rights-of-Way Memorandum, April 26, 2004. (<http://www.whitehouse.gov/news/releases/2004/04/print/20040426-2.html>).*

⁵ *Id.* In this regard, the NTIA report noted that, “In the broadband context, rights-of-way include access to the conduits, corridors, trenches, tower sites, undersea routes and other locations that broadband networks occupy.” *U.S. Department of Commerce, National Telecommunications and Information Administration, Improving Rights-of-Way Management Across Federal Lands: A Road Map for Greater Broadband Deployment, Report by the Federal Rights-of-Way Working Group (April, 2004) at 2.*

As noted above, PCIA strongly supports the President's initiatives in this regard. As noted in its reply comments in ET Docket No. 03-137 and as will be noted below, it has been PCIA's member's experience that issues surrounding RF emissions – interference-related and health-related -- and wireless coverage in residential areas – for collocations as well as new builds -- are increasingly being raised in local zoning and other proceedings to delay and, occasionally thwart, wireless infrastructure deployment.⁶ It is PCIA's hope that the Task Force will use this proceeding to help the Commission assuage the concerns of those seeking to understand the relationship between public health and communications infrastructure and to put an end to those situations in which the Commission's rules are abused as a source of scare mongering.

A difficult paradox plagues the wireless telecommunications marketplace. Often, the local zoning process is out of sync with meeting consumer demand for wireless service. With quality of wireless services topping the list of consumer complaints, today's wireless consumer demands – and deserves – seamless, reliable, widespread wireless services. Yet, the very infrastructure that serves as the backbone of our nation's wireless network and, ultimately, enables the deployment of highly sought after wireless services is unwelcome and in some communities ranks with landfills and waste storage facilities. However, wireless facilities cannot simply be relocated to a remote or an industrial location and still deliver benefit to the whole of the community.

The FCC has taken great care to ensure that placement of wireless communications facilities does no harm. Stringent requirements are imposed on wireless infrastructure providers and carriers to protect people, the environment, and the nation's cultural and historic treasures from being adversely impacted by the siting and placement of wireless facilities.

⁶ In its Reply Comments in ET Docket No. 03-137, PCIA noted how local authorities from California to Washington State and from Florida to Massachusetts are dealing with situations in which local zoning rules developed in response to the Telecommunications Act of 1996 have attracted considerable protest due to the high number of antennae and fear that they will reduce property value and harm public health. According to one of PCIA's carrier members, over fifty per cent of the carrier's local zoning proceedings are unduly delayed as a result of dealing with RF and coverage issues, especially those proceedings involving residential applications. Moreover, PCIA is aware of proposed state legislation that would impose a moratorium on wireless siting in large cities while state officials re-examined the health effects of RF emissions. *See New State Assembly Bill Text – A09897 (April 6, 2004)(a copy of which is attached).* PCIA's members encounter these sorts of hurdles to deployment on a regular basis – in large and small communities, in new build and collocation situations.

However, even after satisfying the rules, regulations, policies and best practices that govern the siting process, wireless infrastructure and service providers have come to recognize that, despite the best efforts of the Telecommunications Act of 1996⁷ and some state and local jurisdictions, there exists tremendous reluctance to regulatory permitting within many jurisdictions. Wireless infrastructure deployment can be stalled or thwarted at the local level by citizens concerned with aesthetics or emissions, even when all permitting criteria have been satisfied.

Nonetheless, given the new homeland security and public safety realities that face our nation, and given the need for ubiquitous broadband deployment, essential wireless infrastructure must be allowed to deploy. As citizens increase their reliance on wireless communications devices, whether for reasons of personal safety, convenience or entertainment, there is a corresponding increased stress placed on the wireless infrastructure network. And the problem will only get worse. If the nation's vision of ubiquitous broadband access is to be realized, the wireless network must be strengthened. This means more wireless infrastructure will be needed in all areas in which mobile devices will be used, including, especially, in residential areas.

Fortunately, there are solutions. The wireless infrastructure industry has embraced the concept of collocation – a means of adding additional antenna arrays on existing infrastructure – to limit the need for additional towers. Where possible, cellular and PCS infrastructure providers opt for shorter towers that do not require lighting and painting, thereby enabling them to blend in with their surroundings. And there exist numerous examples of communities and industry working together to make wireless infrastructure less conspicuous. However, there is much work to do.

Industry and local governments must partner to find a balance. Citizens need and deserve factual information concerning radio frequency emissions and interference. The Commission must take forceful action in support of its RF rules and the primacy of its authority to enforce these rules. The Commission should undertake extensive educational efforts to explain to the public and to policy makers across the nation that: (1) the Commission's RF safety rules include huge margins of safety; (2) wireless transmitters deployed in compliance with the Commission's rules on towers removed from public

⁷ See 47 USC §§ 332(c)(3)&(7)

access pose no real threat to public safety; and (3) wireless service providers are responsible corporate citizens whose continued use of licensed spectrum requires their strict compliance with FCC rules. In short, the Commission should make it clear that it will not tolerate abuse of its RF rules – by industry or local zoning officials or their agents – and that it will take appropriate action to ensure that its RF rules are not used to needlessly slow or increase the cost of infrastructure deployment.

Citizens need to understand how the FCC developed its RF emission and interference rules, that the rules include huge margins of safety, and that carriers have every incentive to, and do, comply with these rules. Industry must be sensitive to the concerns of citizens and must try to minimize the proliferation of obtrusive wireless facilities in the viewscape. Local ordinances must be enforced in accord with the spirit and intent of law and must provide certainty and timeliness in the zoning process. Local practices should encourage responsible siting, such as authorizing collocation through an administrative review process (rather than a zoning variance process). By working together, industry, the FCC and local governments can deliver access to the seamless, high quality wireless communications that first responders and citizens demand – and do so in a manner that is responsive to the needs and characteristics of each community.

In sum, the solution to the wireless infrastructure deployment paradox and the President's goal of ubiquitous broadband deployment by 2007 requires, in large part, FCC education and leadership in helping to create a deployment- and environmentally-friendly partnership between industry and state and local government. That partnership must be based on frank and honest communications between and among all the parties, communications that dispel the honest misconceptions of those with legitimate health-related concerns. At the same time, the partnership must cast aside those who simply prey upon such misconceptions (or use misinformation) for personal gain. As Chairman Powell's statement in support of the President's broadband policy acknowledges, much must be done to realize the President's broadband deployment goal. PCIA is confident that, as an industry and a nation, we can achieve the goal of timely, ubiquitous broadband deployment. PCIA, like Chairman Powell, looks forward to working the Commission,

Congress, state and local governments, citizen groups and all industry participants to make the goal a reality.

Respectfully submitted

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